

A Results-Based Forest and Range Practices Regime for British Columbia

Background

Introduction

In its New Era document, the government made a commitment to “streamline the Forest Practices Code to establish a workable, results-based code, with tough penalties for non-compliance”.

It promised a code that would maintain British Columbia’s high environmental standards but would allow forest industry professionals to determine how best to deliver defined results—and back this with tougher compliance and enforcement. In other words, the new code would place more emphasis on end results than the process used to achieve the results.

Forest activities have broad social, economic and environmental implications for every British Columbian. The proposed policy framework for new forest and range practices legislation must be open to wide examination of critical policy proposals so that issues of concern can be raised and resolved before legislation is finalized.

Government staff have prepared a detailed results-based code discussion paper, and is inviting comments until June 30, 2002. Following is a summary of the discussion paper, which can be viewed at

www.resultsbasedcode.ca

New legislation will be introduced to the legislature in the fall of 2002, and implementation of the new code will commence in April 2003.

The results-based code will include a continuous improvement process so it can easily embrace new techniques that will improve forest management activities. It also reflects government’s commitment to coordinate environmental protection by recognizing and integrating significant policy initiatives underway in other ministries. For example, it addresses new policy directions in landscape level planning from the Ministry of Sustainable Resource Management and the shift to outcome-based environmental management from the Ministry of Water, Land and Air Protection.

British Columbia’s Forest Practices Legislation

When British Columbia’s Forest Practices Code was introduced in 1995, many people felt a high level of government oversight was needed to assert the public interest in forest management. As a result, the current code is a complex policy framework that allows little operational flexibility.

While the code did increase environmental protection and led to consistent enforcement measures, it has been argued that its prescriptive nature is stifling innovation and increasing costs for both industry and government. It often forces professionals to adhere to practices that ultimately are not the most effective or efficient.

The new Forest Practices Code will focus on results rather than process so industry and government specialists can spend more time in the field. It sets out clear results and rules, lets

companies choose the best way to achieve these results and holds them accountable for the outcome.

Forest companies have the knowledge and the incentive to deliver results. They have continually improved their performance records since 1995, as evidenced by the general trend in Forest Practices Board audits and the growing number of companies that have been certified.

How the proposed results-based system will work

The heart of a results-based code is a legal framework that requires a clear definition of what is to be achieved—both at the landscape level and at specific site or stand levels.

The proposed results-based system is built around a resource development permit that Ministry of Forests district managers issue once they are convinced a development has passed four tests:

- Test # 1 confirms that the proposed development will not conflict with tenures or the legal rights of others in the area.
- Test #2 confirms that the proposed forest development units meet the objectives for land use zones covered by those units.
- Test # 3 confirms that the person applying for the permit has gathered and considered information from the public respecting the proposed forest harvest units.
- Test # 4 confirms that the proposed forest development units have been located in a manner that does not present risks to community watersheds and watersheds with significant downstream fisheries values.

The term of the resource development permit is up to five years.

The consequences of not achieving stated results

British Columbia currently has one of North America's most comprehensive compliance and enforcement regime regulating forest practices. The proposed code retains this wide range of enforcement options and enhances them in a number of ways. Most notably, it recommends a new statutory power so government can intervene in situations where a contravention has not yet occurred, but is likely and represents a significant risk to the public, property or the environment.

Government will keep a performance record for each licensee and for its own performance under its Timber Sale Program, reporting to the public on both good and poor performance. This information will be useful for organizations that certify forest practices of companies and for customers who want to know about the forest practices of particular companies.

In addition, the Ministry of Forests is restructuring its compliance and enforcement organization to maximize effectiveness and efficiency. The Ministry of Water, Land and Air Protection will continue to have a strong role in standard setting and enforcement to ensure environmental values are protected.

The Forest Practices Board, an independent agency with responsibilities under the existing Forest Practices Code, will continue to conduct independent audits, investigate complaints, participate in appeals, and provide special reports.

Protecting forest and environmental values

The proposed code maintains the forest and environmental values currently in the Forest Practices Code, with a goal statement for each. The results are based on these goals, which include:

Landscape level biodiversity: Harvesting activities will retain old forest and other age classes consistent with land use objectives established by government.

Wildlife trees: All harvest areas will retain ecologically suitable wildlife trees in quantity, quality and distribution typical of naturally occurring stand structure.

Coarse woody debris: All harvested sites will retain ecologically appropriate coarse woody debris in a quantity, quality (size, species, decay class) and distribution typical of natural forest conditions, considering other resource management goal statements.

Management of visual quality: Forest development activities will achieve visual quality objectives within scenic areas.

Forest health: Forest health management will protect provincial forest and range resources and will maintain productivity by minimizing losses and mitigating future risks to provincial forest and range resources from forest health factors and invasive plants.

Roads, stream crossings and access management: Licensee roads that are constructed, maintained, or deactivated on the provincial forest land base will be stable, safe for users, and will achieve results and objectives stated for forest and environmental values.

Silviculture: Silviculture activities will sustain or enhance the productive capacity and value of the land and forest for timber and non-timber resources at the stand and landscape levels.

Gene resources: Sufficient genetic diversity will be maintained to allow adaptation to environmental change and to avoid indiscriminate movement of seed and vegetative material resulting in poorly adapted regeneration.

Soil conservation: Forest harvesting, site preparation and range activities will protect soil properties, including the physical, chemical and

biological attributes in addition to the natural drainage patterns of the site.

Terrain hazard management: Forest development will be conducted in a way that will not cause landslides, adverse gully processes and snow avalanches that place human life at risk, and that can damage public and private property and forest resources, including water quality in community watersheds.

Community watersheds/watersheds with significant downstream fisheries values: Forest and range activities will conserve fish, fish habitat, water quality, quantity and timing of flow in community watersheds and watersheds that have significant downstream fisheries values.

Riparian (streamside) management: Stream channel dynamics, aquatic ecosystems, fish and fish habitat and the water quality of all streams, lakes, and wetlands will not be harmfully impacted by forest and range activities.

Ungulate winter range: Forest cover and forage will be conserved over an area necessary for winter survival of ungulate species (e.g. deer, elk, moose and caribou), recognizing regional variance in the ecology of ungulate species.

Species at risk: Through the provincial identified wildlife management strategy, species at risk will be protected from further loss, extirpation or extinction that may result from forest and range practices.

Other resource features: Forest and range practices will protect other unique resource features, such as salt deposits or an eagle wintering area.

Cultural heritage resources: Cultural heritage resources will be identified and appropriate management mechanisms established so forest or range practices do not impact them.

Lakeshore management: Fisheries, riparian, aesthetic, recreation and other important social

and ecological values will be conserved adjacent to lakes greater than five hectares.

Woodlot management

The Woodlot Licence Forest Management Regulation will be replaced by the results-based code. Woodlots and Community Forest agreements will be exempted from provisions that are not relevant to tenures of up to 600 hectares. For example a resource development permit for a woodlot will not be required to address landscape level biodiversity objectives. Woodlot resource development permits will generally have a 10-year term to allow planning stability on these small tenures.

Range management

Proposed range management is similar to timber management, but using a range use plan instead of a resource development permit. Government will continue to share some accountability for results given the many small-scale range users of Crown forage resources.

Range use plans would be the only document needed for approval of livestock grazing and range development. They would be subject to the four approval tests required for resource development permits, as well as requiring additional information related to range uses such as grazing and hay cutting activities

Fire management

The new code states that values and resources on the land base will be protected from the risk of damage or destruction by fire caused by forest or range practices. Since fire protection provisions in the Forest Practices Code are more wide-ranging than other subject matter addressed, the Ministry of Forests is addressing fire management through both the new code and through a proposed new Wildland Fire Act, which is still under development.

Requirements for any British Columbian to report a fire, to take steps to suppress any

unwanted fires, and to make every effort to extinguish any fires they start will be set out in the Wildland Fire Act.

The Ministry of Forests will develop a separate discussion paper on wildfire in summer 2002 to address legislative intent, policy issues and development of a more efficient service delivery model. Full implementation of the Wildland Fire Act is expected in 2004, although some provisions related to cost recovery may be applicable as soon as spring 2003. Further information about the process leading to development of the Wildland Fire Act will be available through the Ministry of Forests Web site at www.gov.bc.ca/for/

Consultation process

The government is inviting public and stakeholder comments on the proposed results-based code from now until June 30, 2002. Dr. George Hoberg, head of the Department of Forest Resources Management, University of British Columbia, will meet with the stakeholders and will also compile comments in response to the discussion paper so he can prepare a report for government this summer. The discussion paper is posted at

www.resultsbasedcode.ca

and comments can be sent electronically from this site, or mailed to:

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An MLA committee, chaired by Rod Visser (North Island), will also hold a series of public meetings to invite public comments.

The www.resultsbasedcode.ca Web site will provide more information about the consultation process, including the MLA committee schedule and a forum for discussion.